

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------|---|--------------------------|
| ROBERT N. HARRINGTON, JR. |) | CASE NUMBER 05-40115 FDS |
| Plaintiff, |) | |
| |) | |
| VS. |) | |
| |) | |
| JAMES M KREIDLER, JR. AND |) | |
| THE TOWN OF WINCHENDON, |) | |
| Defendants. |) | |

JOINT SUPPLEMENTAL PRE-TRIAL MEMORANDUM

Now come the Parties to this action and hereby submit this Supplemental Joint
Pre-Trial Memorandum:

10. WITNESS LISTS.

**The Parties hereby submit the following witness lists. The Parties believe
that the following witnesses are the witnesses that are likely to be called to testify.**

a. Plaintiff's Witness List.

1. Burton Gould., Jr.
126 West St
Winchendon, MA 01475-1141
2. Germaine Brooks
157 School St
Winchendon, MA 01475-1135
3. Richard A. McAllister
150 Murdock Ave
Winchendon, MA 01475-1125
4. James M. Kreidler, Jr.
Town Manager
Town of Winchendon
109 Front Street
Winchendon, MA

5. Cynthia A. Boucher
135 Gardner Road
Winchendon, MA
6. Colonel Gordon Bennett (Ret.),
Army National Guard,
50 Maple Street
Milford, MA
7. Major Jeffrey Loughlin
Army National Guard
1211 Pleasant Street
Brockton MA 02301
8. Colonel Greg Smith
10 Holden Street
Ashburnham, MA 01430
9. Liz Gilman
Town Accountant
Town of Winchendon
109 Front Street
Winchendon, MA
10. Lorenzo J. Sordoni
26 Lakeview Drive
Winchendon, MA
11. Keeper of Records from Boundaries Therapy
12. Robert N. Harrington, Jr.

In addition to any witnesses listed by the Plaintiff above, the Plaintiff reserves the right to call the witness listed on the initial pre-trial memorandum in rebuttal of the Defendant's case.

b. Defendant's Witness List.

1. Robert N. Harrington Jr.
200 Hall Road
Winchendon, Massachusetts

2. James M. Kreidler, Jr.,
109 Front Street,
Winchendon, Massachusetts
3. Keith R. Barrows,
109 Front Street
Winchendon, Massachusetts
4. Rick McAllister
109 Front Street
Winchendon, Massachusetts
5. James P. Spofford
15 Pleasant Street
Winchendon, Massachusetts
6. William P. Geoffroy
15 Pleasant Street
Winchendon, Massachusetts
7. William P. Geoffroy
15 Pleasant Street
Winchendon, Massachusetts
8. Melissa (LeRay) Martin
9. Teresa Flint
15 Pleasant Street
Winchendon, Massachusetts
10. Erika Lafrennie
15 Pleasant Street
Winchendon, Massachusetts
11. Corey Bohan
24 Sibley Road
Winchendon, Massachusetts
12. Allen Lafrennie
15 Baldwinville State Rd.
Winchendon, Massachusetts

13. Alida Herring
109 Front Street
Winchendon, Massachusetts
14. David Connors
109 Front Street
Winchendon, Massachusetts
15. Paul Desmond
19 Staniford Street
Boston, Massachusetts
16. George KinCannon
19 Staniford Street
Boston, Massachusetts
17. George Barnes
18. Doneen Durling
91 Central Street
Winchendon, Massachusetts
19. Molly Crane
309 Central Street
Gardner, Massachusetts
20. Shawn Illinitch
309 Central Street
Gardner, Massachusetts
21. Barbara Lafrennie
109 Front Street
Winchendon, Massachusetts

In addition to any witnesses listed by the Plaintiff and Defendants above, the Defendants reserve the right to call the witnesses listed on the initial pre-trial memorandum in rebuttal of the Plaintiff's case.

11. EXHIBIT LISTS.

Pursuant to the pre-trial order the parties have attempt to prepare a comprehensive exhibit lists setting forth agreed and contested exhibits. There were in excess of 5,000

pages of documents exchanged during the discovery process in this case. The following list of Exhibits constitutes a list of exhibits each party anticipates using at trial. Each party reserves the right to supplement its exhibit list as the need arises during trial during cross-examination or in rebuttal.

Plaintiff's Exhibit List:

1. 4/19/01 Orders for National Guard Duty
2. 10/25/01 Letter from Harrington to Kreidler enclosing orders for National Guard.
3. 1/7/02 Letter from Harrington to Kreidler notifying Kreidler of Reserve duty for Olympics.
4. 1/7/02 Letter from Kreidler to Harrington re Reprimand on Spofford case.
5. 1/14/02 Notify Kreidler of cancellation of vacation – using vacation time while away.
6. 1/16/02 Letter from Harrington to Kreidler enclosing order.
7. 1/17/02 Letter from Harrington to Kreidler regarding military duty.
8. 1/17/02 Letter from Harrington to Kreidler regarding Deployment-related activities on January 22, 2002
9. 1/17/02 Letter from Harrington to Kreidler regarding deployment duties on January 17, 2002
10. 1/22/02 Letter from Harrington to Kreidler enclosing orders for 1/18/02
11. 1/23/02 Letter from Harrington to Kreidler regarding use of vacation time while in Guards
12. 1/23/02 Kreidler letter to Harrington – written reprimand for vacation “sell back”
13. 1/23/02 Kreidler letter to Harrington – written letter of reprimand on 1/23/02 letter on vacation time.
14. 1/24/02 Letter from Harrington to Kreidler re Sgt. Rougier

Objection: Relevance

- 15. 1/24/02 Letter from Kreidler to Harrington re 1-day suspension
- 16. Harrington timesheets while on Military leave

Objection: Relevance

- 17. Letter from Harrington to Kreidler regarding return date
- 18. 2/27/02 Record of phone message left by Harrington
- 19. 2/27/02 Memo from Kreidler to Gilman regarding docking of pay
- 20. 3/4/02 Memo from Harrington to Kreidler regarding nature of deployment
- 21. 3/4/02 Memo from Kreidler to Harrington

Objection: Authenticity

- 22. 3/5/02 Memo from Harrington to Kreidler regarding notification
- 23. 3/5/02 Memo from Harrington to Kreidler regarding notification
(Revised letter)
- 24. 3/5/02 Memo from Harrington to Kreidler
- 25. 3/6/02 Harrington's USERRA Application

Objection: Hearsay

- 26. 3/11/02 Letter of suspension five days
- 27. 3/11/02 Revised letter of suspension
- 28. 3/26/02 Letter from DOL to Kreidler
- 29. 4/3/02 Kreidler to Harrington

Objection: Relevance

- 30. 4/8/02 DOL to Kreidler
- 31. 4/26/02 Kreidler to Harrington

- 32. 4/30/02 Letter from Kreidler to Harrington regarding "Direct Orders"
- 33. 4/30/02 Letter from Kreidler to Harrington regarding benefit from Chief's meeting

Objection: Relevance

- 34. 5/7/02 Letter from Harrington to Kreidler regarding comp time

Objection: Relevance

- 35. 6/4/02 Letter from Kreidler to Harrington regarding Chief's meetings

Objection: Relevance

- 36. 6/6/02 Letter from Kreidler to Harrington re non-renewal of contract
- 37. 6/10/02 Harrington to Kreidler regarding Guard Duty 6/15/02 to 6/29/02
- 38. 12/19/02 Kreidler to Harrington; Termination Notice

- 39. Robert Harrington's Performance Evaluations from the National Guard

Objection: Relevance

- 40. Robert Harrington's Employment Contract with Chief
- 41. Position Description Chief of Police
- 42. January 30, 2002-Robert Harrington's Orders
- 43. Current Employment Contract for Winchendon Chief of Police
- 44. Payroll Records for Current Chief of Police.
- 45. Records from Boundaries Therapy Center

Defendant's Exhibit List:

- 1. Disciplinary action dated March 11, 1998 regarding sleeping in cruiser;

OBJECTION: Hearsay and relevance.

- 2. Discharge letter dated May 27, 2003;

OBJECTION: Hearsay; The Plaintiff further objects to so much of letter as indicates so called findings of a hearing officer.

3. Administrative leave letter dated July 19, 2002;

OBJECTION: Hearsay.

4. Worcester Telegram article dated July 23, 2002;

OBJECTION: Hearsay.

5. Notice of termination and hearing dated December 19, 2002;
6. Letter from Corey Bohan dated May 1, 2002 regarding allegations against Harrington;

OBJECTION: Hearsay.

7. Letter from James Kriedler dated June 4, 2002 regarding request for response to Bohan's allegations;

OBJECTION: Hearsay.

8. Letter from Robert Harrington dated July 11, 2002 in response to Bohan's allegations;
9. Dispatcher's Union Labor Charge and attached exhibits;

OBJECTION: Hearsay and relevance.

10. Harrington's performance evaluation dated February 21, 2002;

OBJECTION: Hearsay.

11. Disturbance call dated May 28, 2002;

Don't have.

12. Police report dated May 28, 2002;
13. License revocation notice for Corey Bohan;

14. Kriedler's response to allegations of threats to Harrington dated June 11, 2002;

OBJECTION: Hearsay.

15. Karen Ludington's investigation report dated December 13, 2002;

OBJECTION: Hearsay; The Plaintiff further objects to so much of letter as indicates so called findings of a hearing officer and touches on ultimate issue to be determine by the jury.

16. Memo from Harrington dated May 17, 2002 regarding complaint by Harold Mason for cruiser for Memorial Day Parade;

17. Richard McAllister's investigation regarding Memorial Day Parade and Harrington's allegations;

OBJECTION: Hearsay.

18. Letter from Kriedler dated June 4, 2002 requesting response from Harrington regarding McAllister's investigation;

OBJECTION: Hearsay.

19. Harrington's response dated June 10, 2002;

20. Affidavit of Harold Mason;

OBJECTION: Hearsay.

21. Dispatcher's vote of no confidence;

OBJECTION: Hearsay.

22. Letter of 5 day suspension dated May 11, 2002;

OBJECTION: Hearsay.

23. Revised letter of 5 day suspension dated May 11, 2002;

OBJECTION: Hearsay.

24. Letter from Department of Labor dated March 26, 2002 regarding suspension;

OBJECTION: Hearsay, relevance and touches on ultimate issue to be decided by the jury.

25. Final letter of 4 day suspension dated July 23, 2002;

OBJECTION: Hearsay; The Plaintiff further objects to so much of letter as indicates so called findings of a hearing officer and touches on ultimate issue to be determine by the jury.

26. Letter of 1 day suspension dated January 24, 2002;

27. Quinn Bill payments for FY 2002;

28. Letter of discipline dated May 29, 2001 regarding 5 day suspension related to police shooting;

OBJECTION: Hearsay.

29. Harrington's request for hearing on discipline dated June 4, 2001;

OBJECTION: Relevance.

30. Kriedler's response to request for hearing dated June 4, 2001;

OBJECTION: Hearsay.

31. Revised letter of discipline dated June 4, 2001;

OBJECTION: Hearsay.

32. Harrington's withdrawal of appeal of suspension dated June 11, 2001;

33. Press release regarding discipline;

34. Press release dated January 6, 2001 regarding shooting;

35. Revised press release regarding retraction of January 6, 2001 release;

36. Letter from Harrington dated February 5, 2003 regarding objection to discipline related to shooting;
37. Written warning dated October 4, 2001.

Respectfully Submitted,

The plaintiff,
By his attorney,

The defendants,
By their attorneys,

/s/ L. Richard LeClair, III
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Date: May 28, 2008